

**Worksheet**  
**Determination of NEPA Adequacy (DNA)**  
U.S. Department of the Interior  
Bureau of Land Management

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OFFICE: Humboldt River

TRACKING NUMBER: DOI-BLM-NV-W010-2015-0028-DNA

CASEFILE/PROJECT NUMBER: 2702215

PROPOSED ACTION TITLE/TYPE: Jordan Meadow Fences

LOCATION/LEGAL DESCRIPTION:

T.46 N., R.34 E., sec. 13 (Riser Creek Fence)

T.46 N., R.35 E., sec. 23 and 26 (Jordan Meadow Canyon Fence)

APPLICANT (if any):

**A. Description of the Proposed Action with attached map(s) and any applicable mitigation measures.**

Background

The two fence projects proposed here were analyzed in the Montana Mountains Cooperative Fuels Treatment EA (July 2012) and were titled Riser Creek Fence and Jordan Meadow Spring. In this document these fences are referred to as the Riser Creek Fence and the Jordan Meadow Canyon Fence; and collectively will be called Jordan Meadow Fences.

As the Montana Mountains Cooperative Fuels Treatment Project is a phased project that is being implemented over years, decisions to implement the individual projects are being made as funding becomes available and timing is appropriate. There currently exists an EA dated July 2012, a FONSI dated 8/02/2012, and three separate decisions based on the EA and FONSI. The first decision dated 8/02/2012, authorized specific wild fire management portions of the proposed actions. The next decision was made on 11/10/2013, and it authorized implementation of several fuels related projects. The third and most recent decision dated 2/04/2014, implemented the Bull Spring Meadows and Fourth of July Meadows Restoration Plans as identified in the July 2012 EA.

This DNA evaluates any new information that may have arisen since the Montana 2012 EA was completed and will serve to inform a decision regarding the implementation of the Jordan Meadow Fences.

Proposed Action

The proposed action is to build two sections of fence within the Jordan Meadow Allotment to improve livestock grazing use in pastures, which would protect and maintain habitat for sensitive and threatened species. The Riser Creek Fence would be approximately 0.42 miles in length, and would be installed between the existing allotment boundary fence and the rimrocks of Riser Creek. This fence would prohibit cattle movement into upland areas until grazing is scheduled to occur. The Jordan Meadow Canyon Fence would be approximately 1.0 mile in length, and would be installed above the Jordan Meadow Spring to prohibit the movement of cattle through the riparian area except during designed cattle movement times. The Canyon Fence would also include a 14' cattleguard. Both fences will be built to the standard BLM 4-wire fence with antelope specifications. The environmental protection measures (EPM) identified in section 2.3 of the July 2012 EA that apply to this project are listed below:

- All treatments identified would be in accordance with the Instruction Memorandums WO-IM-2012-043 Greater Sage-Grouse Interim Management Policies and Procedures and WO-IM-2010-149 Sage-grouse Conservation Related to Wildland Fire and Fuels Management. Fuels Management Best Management Practices (BMPs) for Sage-Grouse Conservation as described in (Appendix IV). (EA 2012 EPM #2)
- For any proposed actions that are not performed outside of the migratory bird breeding season (March 1 – August 31), a migratory bird nesting survey would be conducted in potential habitat areas no more than 10 days and no less than 3 days prior to initiation of disturbance. If active nests are located, a minimum 260 ft. protective buffer would be established or activities delayed until the birds have completed nesting and brood-rearing activities. (EA 2012 EPM #3)
- All NRHP eligible or unevaluated sites would be avoided during the course of this project. An archaeologist would be involved as detailed plans are developed for each phase of the implementation to ensure avoidance is factored into the detailed project designs. An archaeologist would review plans for each phase of the project's implementation to ensure avoidance of NRHP eligible or unevaluated sites. (EA 2012 EPM #4)
- Any unanticipated archeological discovery on BLM lands will be reported to a BLM archeologist and work in the immediate vicinity will stop until SHPO is consulted. (EA 2012 EPM #5)
- For any proposed actions that are not performed outside of the burrowing owl breeding season (March 1 – August 31), a burrowing owl survey would be conducted in potential habitat areas no more than 10 days and no less than 3 days prior to initiation of disturbance. If active burrows are located, a minimum 260 ft. protective buffer would be established or activities delayed until the birds have completed nesting and brood-rearing activities. (EA 2012 EPM #7)

- Existing documented populations of lonesome milkvetch that occur near proposed treatment areas would be flagged and avoided. (EA 2012 EPM #8)
- No disturbance activities would be conducted during the sage-grouse lekking and nesting seasons from March 1<sup>st</sup> through June 30<sup>th</sup>. (EA 2012 EPM #9)
- Protective fences would be constructed to BLM wildlife friendly specifications. Fences requiring four wires would be built with a smooth bottom wire to allow for antelope movement. Wooden posts would not be used in fence construction and t-posts would have perch deterrents installed on top to discourage raptor perching. Wire fencing would be installed to include reflectors in order to deter collisions with sage grouse. Steel pipe-rail fence may also be constructed, which is highly visible and eliminates the possibility of sage-grouse entanglement. (EA 2012 EPM #11)
- All terrestrial equipment (e.g. vehicles, hand tools, tractors, etc.) to be used in treatments would be washed offsite prior to being brought to the project site, to avoid spreading noxious weed seeds. (EA 2012 EPM #12)
- All historic properties (i.e. archaeological sites listed unevaluated or eligible for inclusion on the National Register of Historic Places) would be avoided during project implementation. Avoidance buffers of at least 30 meters from National Register sites would be observed during project implementation. (EA 2012 EPM #13)
- If any significant paleontological resources are found during operations, impacts would be mitigated through avoidance and/or data recovery. Any unanticipated vertebrate fossil discovery on BLM lands will be reported immediately to the Project Archaeologist. (EA 2012 EPM #14)

The EA 2012 EPM #6 for pygmy rabbits was reviewed for its applicability to the Jordan Meadows Fences project. The review showed that the environmental measure wasn't applicable to this specific project, but that measures were still necessary to protect the species. These measures are listed below:

- Avoid driving over tall sagebrush (*Artemesia tridentata*) or any other large shrubs, particularly in areas of deep, loose soils, where pygmy rabbit burrows have been identified and/or if suitable habitat is present for this species (as identified by the BLM Wildlife Biologist).
- Avoid cutting or any other kind of damage to tall sagebrush or other shrubs that are located in the vicinity of pygmy rabbit burrows or burrow complexes, while placing t-posts, stringing fence wire, or conducting any other fence construction and implementation activities.
- Avoid placing fence t-posts directly inside or in the vicinity of pygmy rabbit burrows and/or burrow complexes (as identified by the BLM Wildlife Biologist).

## **B. Land Use Plan (LUP) Conformance**

LUP Name\* Record of Decision and Resource Management Plan for the Winnemucca District Planning Area (RMP) Date Approved: 5/21/2015

**Action SSS 1.1:** Protect habitat for sensitive species by implementing mitigation measures to reduce impacts. Mitigation measures include; avoidance, no surface occupancy, buffer zones, and seasonal restrictions, on-site and off-site mitigation, use restrictions, rehabilitation or other protective measures.

## **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

List by name, number and date (DR/FONSI or ROD) all applicable NEPA documents that cover the proposed action.

Montana Mountains Cooperative Fuels Treatment Project, DOI-BLM-NV-WO10-2011-0005-EA, July 2012; and the FONSI, August 2, 2012.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Informal Consultation on the Montana Mountains Cooperative Fuels Treatment Project, April 12, 2012. This satisfies Section 7 consultation requirements for this project.

## **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes. The proposed action is a feature of what was analyzed within the Montana Mountains Cooperative Fuels Treatment EA, July 2012; FONSI, August 2, 2012. These range improvement projects are described at EA 2.3.3, pages 8-13 and specifically page 11. The fence sections would be implemented as described in the 2012 EA.

**2. Is the range of alternatives analyzed in the existing NEPA documents(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes. The concerns, interests and resource values have not changed. The objective to protect the listed and sensitive species remains the same as identified in the proposed action analyzed in the in the 2012 EA.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes. The following paragraphs provide the rationale for this conclusion.

The project location falls under the new Winnemucca District RMP. The RMP has been reviewed to ensure that this proposal is in conformance with special status species management direction. Based on review of this land use plan, this project remains in conformance with land management direction. This direction is identified below:

**Action SSS 1.1:** Protect habitat for sensitive species by implementing mitigation measures to reduce impacts. Mitigation measures include; avoidance, no surface occupancy, buffer zones, and seasonal restrictions, on-site and off-site mitigation, use restrictions, rehabilitation or other protective measures.

The existing EA analyzed this project in 2012, and this project still meets the purpose of protecting the habitat of sensitive, and threatened and endangered species. There is no new information or circumstances regarding resource conditions that would change the existing analysis. The environmental protection measures in the EA would apply for the protection of the Greater sage-grouse; the two fences would not be built during lekking season (March 1 – June 30), and reflective markers would be installed on the new fences.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes. The direct, indirect and cumulative impacts for this project are the same as analyzed in the existing NEPA document.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Yes. Coordination and consultation was conducted with other governments, agencies and the public for the existing NEPA document in 2012. This consultation and coordination is sufficient to cover this proposed action. The proposed action is a feature of the proposal analyzed in the existing 2012 EA, and has not changed in terms of its overall implementation.

Informal Consultation on the Montana Mountains Cooperative Fuels Treatment Project, April 12, 2012. This satisfies Section 7 consultation requirements for this project, which is an integral feature of the Montana Mountains EA.

**E. Persons/Agencies/BLM Staff Consulted**

U.S. Fish and Wildlife Service, Reno  
Nevada Department of Wildlife  
Native American consultation with four Tribes

<b>Name /Title</b>	<b>Resource/Agency Represented</b>	<b>Signature/Date</b>	<b>Comments (Attach if more room is needed)</b>
Greg Lynch / Fisheries Biologist	Fisheries/Project Lead	/s/ Greg Lynch 7/27/2015	
Wes Barry / Range Management Specialist	Range	/s/ Wes A. Barry July 31, 2015	none
Elise Brown / Wildlife Biologist	Wildlife/SSS/T&E	/s/ Elise Brown 7-27-2015	(see attached) the content of the attached was incorporated into the body of this DNA under the proposed action description. Attachment moved to casefile.
Tanner Whetstone / Archaeologist	Cultural Resources	/s/ Tanner Whetstone 7/27/215	

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

☒ **Conclusion** *(If you found that one or more of these criteria is not met, you will not be able to check this box.)*

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM' compliance with the requirements of the NEPA.

/s/Greg Lynch  
Signature of Project Lead

/s/ Lynn B. Ricci  
Signature of NEPA Coordinator

/s/ Aron C. King 8/21/15  
Signature of the Responsible Official Date

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.